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The Theory Disconnect: Reconciling Theories of Justice, Ethics, and Morality with the Practice of Public Administration

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The Theory Disconnect

**Reconciling Theories of Justice, Ethics and Morality with the Practice of Public
Administration**

MPA Research Report

Submitted to

**The Local Government Program
Department of Political Science
University of Western Ontario**

28 July 2006

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Executive Summary

This essay addresses the disconnect between theories of being a good public administrator and the actual practice of public administration. This is done by first discussing what it means to be a public administrator and then by identifying some of the key components in the philosophical tool-box available to public administrators. An attempt is made to reconcile these two concepts in the latter parts of the essay. Some cursory examples are also provided in support of the positive outcomes that may result from the "just" practice of public administration at a local level. It is concluded that despite an area of change in "on-the-ground" public administration practice, it is not yet the case that practice governed by justice, but rather by professional norms. It is important that justice, ethics and morality play an greater role in public administration rather than a simple conformity to professional or even legal guidelines that govern the profession.

Preface

In his foundational document for the study of public administration in the North American political tradition, Woodrow Wilson remarked in the opening paragraph of his essay that:

It is the object of administrative study to discover, first, what government can properly and successfully do, and, secondly, how it can do these proper things with the utmost possible efficiency and at the least possible cost either of money or of energy.¹

Though it simply does not do this important work justice to arbitrarily reduce its premises to these two central tenants, it is a valid observation that these two seminal points, what government can actually do and how to do it efficiently are echoed throughout the remainder of the document.²

Wilson's writings on public administration are of fundamental importance for the study of public administration for the words which fell from his pen marked the emergence of a new way to approach public administration in North America.³ His document promoted a new professional public administrator, one that was unaffected by concerns beyond the focused area of administration and the effective and efficient delivery of such administration. In retrospect, however, it appears clear that a third and crucial point was missing from Wilson's thesis; that of justice. Certainly, Wilson was beginning a tradition that was important and indeed required – that of a professional public service – yet with

¹ Woodrow Wilson, "The Study of Administration," Teaching American History (2006), online, 28 Jul. 2006 <<http://teachingamericanhistory.org/library/index.asp?document=465>>.

² Along with other issues such as the importance of separating politics and public administration, a point to be discussed later.

³ It is important to note here that the North American tradition – and, in reality, this may be further reduced to the United States and to Canada – has been emphasized because there were very different political traditions regarding the practice of public administration in other parts of the world. Africa and Asia had vastly different approaches, while the European tradition was firmly rooted in the mid-19th century writings of Lorenz von Stein of Vienna.

a focus on the identification of mandates and the effective execution of these mandates without a mention of morality, ethics or justice (words that are conspicuously absent from the Wilson document) Wilson was inadvertently advocating a chilling vision for the future; that of a public service that was more concerned with mandate fulfillment than public service for the betterment of society itself.

Introduction

In what follows is a discussion of the problems facing public administration in its current state. If Wilson laid the groundwork for the path on which public administration was to follow, then it has not ventured far from this path at all. It is the premise of this paper that ethics, morality and justice are issues that are not adequately addressed by public administration as it is currently practiced, taught and theorized. Thus, this disconnect forms an important aspect of the paper.

With the premises identified, it is the purpose of the paper to discuss a problem in the way the study and practice of public administration has evolved with specific reference to a lack of justice while also trying to assist the reader in the comprehension of why we find ourselves in our current state. These goals will be accomplished by discussing the relationship between theory of all types and the practice of public administration, focusing on the apparent disconnect of theories of justice from public administration. Later, some solutions to various issues will be proposed along with a discussion of the possible challenges to practical public administration issues as public administration evolves. The essay will conclude, unsurprisingly, with some closing remarks on what has been accomplished and where things may go from here.

Remarks on the Context

As this essay represents the Major Research Paper component for the Master's of Public Administration in Local Government program at the University of Western Ontario, it must conform to certain predetermined standards. Above all else, this essay is required to 'address a specific topic or area of concern within public administration for local government.'⁴ Thus, one may argue that the scope of this paper is too broad, that morality and justice and ethics are vast concepts buried hopelessly deep in philosophical writings on politics and public administration. I would however argue the exact opposite. I submit to those who treat such matters as wildly broad issues that this is exactly the problem with public administration as it exists today. Because such issues are regarded as too far-fetched, incomprehensible and/or aspects of wishful thinking, they have been sidestepped – for the most part – by a public administration regime that fails to hold itself accountable because it fails to regard basic notions of accountability as fundamental and attainable. Wilson's tenants of efficiency still reign supreme over all else.

I freely admit to the reader that by their very nature, issues of justice and all the rest are indeed broad issues. This is especially the case when one considers these issues measured against the backdrop of public administration; an institution that has so much power in our society. Yet, I also suggest that in order to discuss specific issues of justice in public administration, a wide lens must take precedence and only then can one focus in on specific examples of justice, morality and ethics in public administration. Thus, this essay will discuss issues on a very broad level if only to shed light, reason and understanding on selected specific issues in the administration of local government.

⁴ UWO Major Research Project Guidelines.

Theory and Public Administration

If it is the premise of this paper that theory is not adequately applied to the practice of public administration, then it is crucial to identify what theory is and why it is not being applied. That is the purpose of the following section; in it we will deal with problems regarding definitions including definitions of theory, of public administration and of justice, ethics and morality. Following this, we will discuss the disconnect between theory and public administration as well offering some proposals for rectifying the differences between the two.

What is Theory?

Theory, a term often used..to express the knowledge of Harmony, Counter-point, Thorough~bass, etc., as distinguished from the art of playing, which is..called 'Practice'.⁵

As the above quote indicates, it is the nature of theory to be something that is separate from that of practice. It is a commonly held notion among practitioners that it is exactly that – practice – which accomplishes tasks in the 'real-world' while theory is something else that is relegated the halls of academia or to the minds of non-practitioners.⁶ Of course, this is an over simplification of the situation and the separation between the two notions of the practical and of theory are not completely as diametrically opposed to one another as some may believe, however, it is unquestionably the case that there is a disconnect between practice and theory.⁷ This could be, perhaps, due to a lack of

⁵ Sir William R. Grove, "Contributions to a Science," as quoted in the *OED Online* (2006), online 28 Jul. 2006

<http://dictionary.oed.com/cgi/entry/50250688?query_type=word&queryword=theory&first=1&max_to_show=10&sort_type=alpha&result_place=1&search_id=xFza-FTlNh3-3825&hilite=50250688>.

⁶ More on this is provided by Richard C. Box, "Critical Imagination in a Postmodern Environment," *International Journal of Public Administration* 28.11 (2005): 909-923.

⁷ All to the lament of Camilla Stivers, "Active Citizenship and Public Administration," *Refounding Public Administration*, eds. by Gary L Wamsley et al. (Newbury Park, CA: Sage Publications, 1990): 246-273 and

understanding of what theory is and what it does for the practice anything, including public administration.

Clearly, the stance this essay takes is that practitioners in the field of public administration regard theory with a condescending tone. That they accept the following definition of theory as the predominant one as provided by the OED:

5. In the abstract (without article): Systematic conception or statement of the principles of something; abstract knowledge, or the formulation of it: often used as implying more or less unsupported hypothesis (cf. 6): distinguished from or opposed to *practice* (cf. 4b). *in theory* (formerly *in the theory*): according to theory, theoretically (opp. to *in practice* or *in fact*).

There are, of course, other definitions of theory, however, it is this one that we will concern ourselves with here as it fits nicely into the problem of the disconnect between theory and public administration.

It could be suggested that there are two sorts of theories for the discourse concerning public administration; or more properly, there are two levels of theory. The first level is that of the theory that concerns itself with higher-level issues such as the nature of democracy, etc. This is theory that is particularly intimidating due to the macroscopic level of issue that they engage and, thus, this makes this level of theory very intimidating. The second level of theory – as defined for this discussion – is theory that concerns itself with a more microscopic issue. An example of this may be the theory of property tax capitalization for local government administrators. Such a theory remains complex and explains a microscopic issue, yet it is theory as such in that it provides an

Richard T. Green and Lawrence Hubbell, "On Governance and Reinventing Government," *Refounding Democratic Public Administration: Modern Paradoxes, Postmodern Challenges*, eds. by Gary Wamsley and James Wold (Thousand Oaks, CA: Sage Publications, 1996): 38-67.

analytical superstructure from which further on the subject in academic or practical terms may be conducted. Thus, our two levels of theory are separated mostly by their scope, one is concerned with macroscopic issues while the other is concerned with the more pragmatic yet still difficult microscopic issues. It is the macroscopic theory that will be the applied manner of thought for this essay

What is Public Administration?

To begin the discussion of what it is to be a public administrator, we will turn to the work of the Janet and Robert Denhardt. Throughout the academic career of these two figureheads in public administration research, they have advocated that change is occurring in the field of public administration; that is the role of the public administrator and therefore by implication the manner in which public administration is being practiced remains in a state of flux. Indeed, it is in their most recent monograph that they outline three main schools of public administration: the Old Public Service, the New Public Management and the New Public Service. In a very limited description, the two initial modes of administration concern themselves almost exclusively with the tenant of administration that Wilson himself advocated; efficiency. However, in the New Public Service – the new mode for public administration – the Denhardt's identify a manner of public service that goes beyond concerns for financial and administrative efficiency in the public service. In the NPS, the overriding concern is for the reintroduction of democratic values like a focus on citizen involvement in the administration process

rather than a cold focus on efficiency.⁸ Of course, this is more the ideal type and not representative of the actual situation as it currently exists.⁹

Other than the rigid structure as described by Wilson, public administration is moving towards what some have deemed to be a more participatory state of governance.¹⁰ Under the Wilson model, elite bureaucrats were provided with tasks from the elected government. These bureaucrats would then concoct policy schedules that were to be carefully and mechanically executed by line staff. Under this model, there was little, if any, input from lower-level staff or even from the public. Now, the change towards participatory government preaches a more inclusive formula for the creation and for the execution of public policy. On this, Peters tells us that '[t]he general prescription for making government function better therefore, is to foster greater individual and collective participation by segments of government organizations that commonly have been excluded from decision making.'¹¹ It may be stated that because a better functioning government is in the best interest of both the populace and of the state, this model of public administration is increasingly important in both theory and in practice thus resulting in a public administration regime that is more indicative of a participatory state. Yet, this is where public administration is moving. It could be said that the current state and definition is one that is in flux and that is moving towards the described state, yet has not fully developed into this ideal model.

⁸ For a stunning look at what may happen when public administration regimes adhere only to efficiency with little to no concern for other factors, see Guy B. Adams and Danny L. Balfour, *Unmasking Administrative Evil* (Thousand Oaks, CA: Sage Publications, 1998).

⁹ Information for this paragraph from second chapter of Janet Denhardt and Robert Denhardt, *The New Public Service: Serving, not Steering* (Armonk, NY: M. E. Sharpe, 2002).

¹⁰ For more on this, see chapter three of B. Guy Peters, *The Future of Governing*, 2nd Ed. (Lawrence, KS: University Press of Kansas, 2001).

¹¹ *Ibid*: 51.

What are Justice, Morality and Ethics?

A challenging subject, we turn here to a discussion of what justice, morality and ethics are and how they may relate to public administration in its current state and in a more idealized manner, though more of this discussion will be engaged in the section on reconciling public administration practice with theory.

Writing from a perspective rooted in the Western tradition, one may be tempted to begin a discussion on such values as those stated above with a mention of their basis in ecclesiastical theory and practice. Indeed, this is a useful step if only to acknowledge that it is indeed the case that it is the protestant work ethic that has firmly imprinted itself on the way labor in the US and Canada has conducted itself as capitalization became the primary mode of social organization.¹²

Yet, it must also be remembered that in almost all societies everywhere, mass movements of migrants from every imaginable cultural and religious persuasion have found themselves new homes in the West and, especially, in the US and Canada. Thus, a discussion of justice and related issues based solely on pious concepts would be insufficient not only in the sense that purely religious-based values do not encompass a more humanist interpretation of these notions, but also that there are now a hugely varied number of cultures, religions and other paradigms of thought within the one entity known as society.

Speaking on the issue of choice and its relation to ethics in the public service – specifically within the Canadian context – a recent government-sponsored report on

¹² Max Weber, *Protestantism and the Rise of Capitalism* (New York, NY: Kessinger Publishing, 2004).

ethics and accountability in the Canadian Public Service, the Tait Report, declared that “[i]n public service ethics, however, the issue or potential for wrongdoing, whether legal or not, is front and centre. Ethical issues by their nature are issues of conscience, where one option is arguably wrong, or more wrong than another.”¹³ What is particularly interesting in this finding is that it is a government-sponsored report declaring that for fairness to be rendered in the administration of public service, it is not always the law that reigns supreme. In fact, one may deduce that it is not this at all that is paramount; rather, it is left to the conscience of the administrator to determine what is right and what is wrong.

In essence, it has been the crux of this discussion on a definition of justice and related terms that they subjective rather than objective. A single, fixed definition of any of these concepts would not be useful in that they may be applied differently dependant upon the circumstances surrounding the use of such terms. Further, though many institutions offer definitions for these terms, they are usually set as a statement of rules; and, as was discussed earlier, it is up to those ‘on the ground’ so to speak to exercise a limitation to their obedience to rules and, thus to reach outside of a fixed, institutionalized notion of these terms and use ones own conscious to guide them.

The Disconnect between Theory and Public Administration

Now that we have established some generally accepted notions behind the key concepts of this essay – theory, public administration and justice – we may now move forward into the more important discourse regarding the apparent disconnect between theory – that of higher level theory as it pertains to justice, ethics and morality – and the practice of

¹³ Task Force on Public Service Values and Ethics, *A Strong Foundation* (January 2000), online, 28 Jul. 2006 <<http://myschool-monecole.gc.ca/Research/publications/pdfs/tait.pdf>>.

public administration. Thus, this section will deal extensively with what may be deemed the disconnect between this sort of higher level theory with the 'trades' of public administration by further highlighting the lack of consensus of exactly what public administration is and how it should act. This is to be followed by some suggestions of how theory and public administration may be coaxed to some sort of common ground in a very practical sense.

As mentioned in the section regarding the definition of what public administration is, there remains a lack of a uniform consensus of exactly what public administration is and what it means to be a good public administrator. Thus, for theory to be incorporated into public administration, it must at last become a fully developed and self-aware institution. However, this may not be the case for sometime as the following section discusses the challenges public administration faces in its attempt to find an identity.

The Identity Crisis in Public Administration

It is not uncommon to hear that public administrators must seek a 'balance.' This term has been used in reference to many statements and situations. However, very often the term balance is used in public administration literature without qualification. This term is often expected to be interpreted at its face value; that is to say that the reader must decide what the balance between whatever the variables being discussed should be. For example, one need not look far into the literature to discover statements such as the discipline is in a 'constant state of flux'¹⁴ and that 'public administrators must attempt to strike a balance'¹⁵ of one sort or another. Indeed, it is unfair to quote such comments in

¹⁴ Patricia Wallace Ingraham, "You Talkin' to Me?: Accountability and the Modern Public Service," *Political Science & Politics* 38.1 (2005): 17-21.

¹⁵ Lisa Nelson, "Privacy and Technology: Reconsidering a Crucial Public Policy Debate in the Post-September 11 Era," *Public Administration Review* 64.3 (2004): 259-270.

such a manner as they represent keywords that are taken out of context, however, the provided quotes are intended to represent the dozens of others calls for similar reforms among public sector managers. The intention of this essay, then, is to attempt to analyze the factors that may be influential upon public sector administrators. Each factor will be discussed in the context of its effect upon public service and upon citizens in general.

Unsurprisingly, an important aspect that one must take into consideration when evaluating the current crisis in public administration is the *history of the discipline*. One may suggest, as has been done at the onset of this essay, that the history of modern public administration began with Woodrow Wilson and the publication of his legendary treatise *The State of Administration*. It is in this document that Wilson essentially created the rulebook for public administrators. As noted, the text advocated a public administration regime that was to concern itself only with the execution of the tasks assigned to it by the elected leadership. Public administrators were thus to view themselves as cogs in a political machine that were to follow orders and execute these orders with maximum efficiency as the paramount concern. Conspicuously absent from this paradigm of public administration is a lack of concern for effectiveness. That is to say that efficiency, the backbone of the Wilson school of thought, may have produced a public administration structure that could execute tasks with calculating efficiency in regards to money spend and other tangibles, but it did not seem to correlate public administration with a concern for the public good. One may, of course, argue that an efficient public administration apparatus is in the best interest of the public; however, one may also view this equation as being incomplete. It has become increasingly apparent in the years following the initiation of the Wilson doctrine that public administrators must

involve themselves emotionally, intellectually and even spiritually in order to best serve the public good.

Another of the most important influencing factors upon the identity of public administration is the *education* that such administrators receive. By this, I am referring to the formal education that has become rooted in the Master of Public Administration. However, the teaching practices involved in this field of study is a contentious subject or, more properly, it is a topic on which institutions of formal learning have yet to agree upon. In the past, many public administration programs are run out of the business faculty. Public administration has been, thus, viewed as the application of business principles to the public sector. Because this has been the dominant mode by which public administration was taught for an extended period of time, many senior public figures prescribe to the business approach to public sector leadership. However, as times have changed, so too has the approach to the education of public administrators. It is now much more common for public administration programs to be facilitated through the social science or political science department: Auburn University is an example of one such program that is administered through its political science department. There are, of course, problems with such an approach to public administration education. A program that is administered via a larger, more grand department implies a sort of subservience of the program being administered to the administering body. This means that it is likely that public administration students and graduates may be viewed as inferior academically by their counterparts in the political science or social science disciplines.

Many of the best programs in public administration, however, no longer are bound to being rendered as the child of a paternalistic overseeing department. Most top public

administration programs are now administered through their own department. For example, many of the most notable schools for public administration training¹⁶ conduct their public administration programs through independent public administration departments. This signifies the graduation of the discipline to a more independent and, by extension, a more respected field of study. It may be deduced that graduates from programs such as these are more confident in the practice of public administration because the discipline itself was more established and confident than at any other time previously. One of the very best schools of public administration in the world, the Maxwell School of Syracuse University, is one such school that has a public administration department that is separate from other disciplines. The school goes even further, however, in its academic independence and it does so by embracing the multi-dimensional aspect of public administration education by placing its 'professional training in the context of all the social sciences.'¹⁷ Students at Maxwell are taught not only boutique public administration courses but also courses in anthropology, history, science and courses from a host of other disciplines. The logic of this teaching methodology is rooted in producing public administrators that are generalists and who have a strong grounding in a broad academic base rather than a single specialization. Being the top school for public administration, the teaching model of Maxwell is already being emulated elsewhere thus spurring change in the type and of the caliber of public administrators entering the field. Thus, the field of public administration will conceivably be changing towards a more generalist public administrator who has the capacity to view challenges facing the public from a more holistic view rather than simply through the eyes of an economist, business administrator or political scientist.

¹⁶ As ranked by USA News Graduate School Rankings. These rankings may be viewed online at [no author], *America's Best Graduate Schools 2007*, 2005, online, 28 Jul. 2006 <http://www.usnews.com/usnews/edu/grad/rankings/rankindex_brief.php>.

¹⁷ [no author], *Maxwell School of Syracuse University*, 19 Jul. 2006, online, 28 Jul. 2006 <<http://www.maxwell.syr.edu/pa/>>.

The discussion of education leads directly to the *perception* of public administration by the public and as a case of self-identification. As it has been shown, public administration has been, in the past, perceived to be somewhat weaker in authority when compared to other disciplines. This has been illustrated by the only recent removal of the discipline from the bondage of political science or other departments. However, even now the name of the degree conferred is still a contentious issue. For instance, the webpage of the NASPAA (the National Association of Schools of Public Affairs and Administration) reveals that public administration education institutions use a multitude of different titles for degrees in public administration.¹⁸ This leads to a perception among those viewing the public administration educational institution as something that is still quite varied and, generally, unsure of itself.

As shocking example of the lack of respect or, perhaps, of recognition of the public administration profession and education may be taken from the Public Service Commission of Canada website.¹⁹ This is the website that essentially serves as the porthole for applying for all federal government jobs in Canada. The job application process is automated through the website. Often, the application process requires that applicants select a level of education and, correspondingly, a major field of study. Surprisingly, the menu that lists available major fields of study that an applicant may select does not include 'Public Administration.' Business, engineering and other professional degrees are listed: public administration, however, is not. Even more surprising – considering that a public institution may be expected to be knowledgeable of

¹⁸ NASPAA – National Association of Schools of Public Affairs and Administration, identifies the Master of Health Administration (MHA), the Master of Public Administration (MPA), the Master of Public Affairs (MPA_f), the Master of Public Management (MPM), and others.

¹⁹ Government of Canada, *Public Service Commission of Canada*, 12 Jul. 2006, online, 28 Jul. 2006 <www.jobs.gc.ca>.

the state of affairs in public administration education – is that 'Public Administration' is listed only as a minor, sub-category of study under 'Business Administration.' This suggests a predominance of business principles on government even over those of public administration principles.

The described situation is most surprising because public administration has been striving to at least separate itself from other disciplines and to form its own niche. On a more fundamental level, however, the placement of 'Public Administration' under the category of 'Business Administration' by the Government of Canada is, perhaps, indicative of the way that government views public administration in general. That is to suggest that government – at least Canadian government, by way of example – holds the view that public administration is something that applies business principles and practices to the public sector. This may indeed be the case, however, if public administration as a whole intends to serve the role of the public, then business principles solely will not suffice for the needs of the practitioner in a governance position regardless of at what level or in what capacity such a practitioner is operating.

Competing with Theory

The term 'professional' implies many things, not the least of which is expertise. Yet, it is also a term that indicates somebody who is of a certain rank; for a professional, by implication, possesses a skill set that others do not have. In any case, it has been made clear that though public administration as a profession is still evolving, it is evolving into something that regards itself at least as a professional body. This leads some observers to question whether a professional body is the most appropriate way to administer the policies of government in a just manner. On this, Kathryn G. Denhardt mentions:

Being a "professional" implies a specific area of expertise, and also implies a value construct which would guide the actions of members of the profession. It isn't clear that public administration has fully developed such a value construct, but if and when this value construct conflicts with the other moral standards imposed upon the administrator, there is an ethical problem of significant importance. Professional ethics and public ethics are sometimes at odds with one another and this is an important dimension of the external environment of public administration.²⁰

In order to shed more light on the practical application of the interesting dichotomy between an increased professional public administration workforce and its possibly conflict with the application of basic notions of ethics we will turn to a fascinating study conducted by Stewart. She describes how medical professionals working at a local community mental hospital were obligated by professional conduct to turn away a severely mentally disturbed child. It was apparently the case that the medical professionals were meeting their previous professional obligations to the already committed patients and "felt that to add a severely disturbed child to this environment would diminish their ability to cure the less disturbed patients." Shortly after being denied access to the hospital, the child committed suicide. After the facts surrounding the case became apparent to the local community, the medical professionals were faced with sharp criticism from the community at large. In sum, Stewart remarks that "while this response might be professionally appropriate, it was...cruel and irresponsible" from the point of view of the local community. Thus, it appears that at least in this case, a

²⁰ Kathryn G. Denhardt, *The Ethics of Public Administration: Resolving Moral Dilemmas in Public Service* (New York, NY: Greenwood Publishing, 1988): 66.

decision based purely on professional conduct has the capacity to be at odds with the normal value system of a community and/or locality.²¹

The Myth of Public Administration

The example of the medical professionals using professional ethics as a replacement for the exercising of community goals points us to a new problem as public administration strives to “professionalize” and to distinguish itself from other professional groups: that of the ‘myth’ of professionalism in public administration.

Public administration at all levels is unique in that it has the task of implementing the policies of elected officials, assisting in the creations of such policies and, increasingly as demanded by the public, acting as a communication conduit between the public and the elected policy-makers.²² Thus, the need to professionalize is very difficult in that a professional group is one that uses a specialized set of tools including knowledge, language and ritual that is not available to the masses. Yet, if it is becoming the requirement of a successful public administration to be ‘in touch’ with the demands and values of the public itself, than these sorts of thing that are trademarks of a profession need to be used in a way that remains open and accessible to the public at large.

Some academics have argued convincingly, however, that the aforementioned situation of balancing professionally accepted conduct with the values of the community has not been the resultant case with public administrators – especially those at the local level.²³

Writing on this subject, Dvora Yanow argues that public administrators at the local level

²¹ Debra W. Stewart, “Ethics and the Profession of Public Administration: The Moral Responsibility of Individuals in Public Sector Organization,” *Public Administration Quarterly* 45 (1985): 487-495.

²² Beth E. Warner, “John Stuart Mill’s Theory of Bureaucracy within Representative Government: Balancing Competence and Participation,” *Public Administration Review* 61.4 (2001): 403-404.

²³ As already noted by Stewart.

have been so bent on professionalizing themselves that they have done so at the expense of public interaction and democracy by way of excluding the public from key decisions on policy. She discusses this issue with specific reference to the newly found focal point in local public administration of goal and priority setting. On this, Yanow remarks that “[f]ocusing attention on the ritual of setting goals, deriving objectives, and then planning operations deflects attention from the goals and their questionable attainment to the *process* of rational goalsetting.”²⁴ If one believes this claim, then it is the fault of an increased drive of public administration to professionalize that has removed the possible application of basic theory of democracy, community values and many others in order to perpetuate a ritual of planning and goalsetting; one that conveniently draws attention away from a real discussion of asking “have we attained these goals?” and “are these goals just” with the simple act of creating more goals “for the good of the community.

Using myth as a serious analytical tool in public policy discourse is not common. Further using it as a manner to explain the disconnect between theories of ethics and justice and the practice of public administration is almost non-existent.²⁵ For the context of this discussion, however, it is taken very seriously and is allotted great weight. Indeed, it is suggested that the myth of public administration professionalism is very apparent with all of its contradictions in the everyday practice of the administrator. Indeed, the myth of professionalism allows even academics “to maintain public silences about those

²⁴ Dvora Yanow, “Silences in Public Policy Discourse: Organizational and Policy Myths,” *Journal of Public Administration Research and Theory* 2.4 (1992): 413.

²⁵ Though some work has been done on the subject in relation to public administration, see Mary R. Schmidt, “Grout: Alternative Kinds of Knowledge and Why they are Ignored,” *Research in Public Administration*, eds. by Jay D. White and Guy B. Adams (Thousand Oaks, CA: Sage Publications, 1994): 213-224.

contradictions."²⁶ Yet, such myths may be unavoidable in the practice of public administration. As Manning indicates:

Complex, industrialized societies have committed themselves to a public posture of rationality, and the rational myth legitimates organizations and institutions within this society. It is not surprising that organizations of central symbolic importance should call upon the legitimating powers of the myth of rationality to justify both their existence and actions.²⁷

Yet, this is not to imply that all is lost. There remains an avenue of escape from a fixation on the perpetuation of professional ideals along with all of the problems that such a situation may cause. For the remaining space available for this essay, time will be devoted to discuss some of the theoretical tools available to the public administrator regarding the application of ethics and just at a local-level while also providing some solutions regarding how such notions may be practically integrated into the day-to-day workings of the current public administration regime at a commonly found at the North American (Canadian) local-level.

Some Solutions

Taking into account the concepts discussed earlier in this essay, the intent of this section is to introduce some "real-world" solutions to incorporation theoretical notions of ethics, justice and morality into the practice of public administration at the local level. Thus, in order to accomplish this task, we will first embark on a discussion of the proposed theories of justice and then it will be determined how such notional ideas can be incorporated into practice by way of introducing a planning strategy for public

²⁶ Yanow: 418.

²⁷ Peter Manning, "Resources, Information and Strategy," *Conference Proceedings of the American Society of Criminology* (Atlanta, GA).

administrators. Further, the pros and cons of this new way of "being" as a public administrator will be discussed.

Theory for Practice

In this section, we will draw primarily from two of the more respected philosophers of this century; Cornelius Castoriadis and Ludwig Wittgenstien. Information from their works will be reinterpreted and, hopefully, made directly applicable for the practice of public administration.

Casoriadis²⁸

In his seminal work *The Imaginary Institution of Society*, Castoriadis expresses his discontent with the manner in which most metaphysicians and philosophers have approached some of the most fundamental questions of what it is to "be." It seems to be apparent that Castoriadis rejects the popular concept of determinacy. That is to say, he has difficulty accepting the notion that all beings are created within certain pre-existing paradigms. For this notion implies that all beings within these paradigms are bound to simply exist and live out their lives within predetermined laws. Research of the "hard sciences," as he calls them, simply identify these laws and the activity of beings simply realize these laws.

Thus, if the activity of researches from the 'hard' branch of science has dedicated its time to prove the existence of paradigmatic laws and the corresponding reduction of each being existing within these laws to its ultimate, say, atomic or electronic level, then

²⁸ For this section the primary source is Cornelius Castoriadis, *The Imaginary Institution of Society*, trans. by Kathleen Blamey (Great Britain: Polity Press, 1987). Interested readers may also find relevant teachings in Cornelius Castoriadis, *Political and Social Writings, Vol. 1*, trans. and ed. by David Ames Curtis (Minneapolis, MN: University of Minnesota Press, 1988) and Cornelius Castoriadis, *World in Fragments: Writings on Politics, Society, Psychoanalysis, and the Imagination*, ed. and trans. by Davaid Ames Curtis (Stanford, CA: Stanford University Press, CA: 1993).

researchers from the 'soft' side of the track have fallen into the same trap. For you see, this is why Castoriadis states that no philosopher ever begins an enquiry into 'being' by stating 'I want to see what being is, what reality is. Nor will one begin with 'now, here is my memory of my dream of last night, what does this show to me as characteristic of a real being?' And no philosopher will begin an inquiry, we are told, by stating 'let Mozart's Requiem be a paradigm of being, let us start from that.' Castoriadis will say 'no!' Most philosophers attempt to prove being by focusing on reality; this is an incorrect way to approach questions of reality. Indeed, it appears that in order to explain the human condition, one must first begin with a discussion of the abnormal, of the abstract, in order to comprehend the normal or the real.

What is important here is that this concept is concerned with finding or at least discussing how to find basic truths about the human condition. And to do so further, the more concrete discussion of institutions, a staple of Castoriadis's work, comes into play. For institutions, we are told, are what holds societies together. They are the paradigms. They are the glue that keeps everything in line; they are 'social magma.' This social magma exists within every society and, more correctly, within every person within every society. Every person has been shaped by a variety of institutions. Thus, every person, including every person here, is a walking mixing bowl of various institutions; language, parents, man/women, schooling, family any and all of these things has had a determining factor upon the way people live their lives. Thus, it is most important that one may not reduce the social-historical field to the traditional types of being, the instituting society (as opposed to the instituted society).

Wittgenstein²⁹

Wittgenstein transformed the nature of philosophical activity in the English-speaking world. From two distinct approaches, he sought to show that traditional philosophical problems can be avoided entirely by application of an appropriate methodology, one that focuses on analysis of language.

In his *Philosophical Investigations*, Wittgenstein's second work which was titanic in its importance and made even more special in that it completely destroyed the conclusions he reached in his earlier work of *Tractatus Logico-Philosophicus*, he identifies the "language as game" scenario. Essentially, he informs his readers that words should not be interpreted as markers of things in reality but as a statement that reflects the values and interpretations of the speaker. Indeed, Wittgenstein argues that it is misleading even to attempt to fix the meaning of particular expressions by linking them referentially to things in the world. The meaning of a word or phrase or proposition is nothing other than the set of (informal) rules governing the use of the expression in actual life.

Thus, when a person states that "there is a god" while another states that "there is no god" these two views will not be reconciled in that these are statements – like any other statement – that represent the different value systems of the speakers and not specifically of logical statements with specific and solid attributes associated to the usage of each word.

²⁹ Wittgenstein had two major works, both printed, tragically, after his death; Ludwig Wittgenstein, *Philosophical Investigations*, trans. and ed. by G. E. M. Anscombe (London, UK: Prentice Hall, 1999) and Ludwig Wittgenstein, *Tractatus Logico-Philosophicus*, trans. by David Pears and Brian McGuinness (New York, NY: Routledge, 2001).

Therefore, in the game of language that all people are engaged in, it becomes useful if only for ease of communication for individuals of similar value systems to collude in the use of language. For it is this type of group that will most easily communicate because the values associated with the language each person uses is similar within common value groups. On this, we are told that:

the members of any community – cost accountants, college students, or public administrators, for example – develop ways of speaking that serve their needs as a group, and these constitute the language-game (Moore's notes refer to the "system" of language) they employ.³⁰

It is then like the rules of any game in that the rules for the use of such language is not right or wrong when viewed from the macroscopic level, it is simply the case that people adjust their language accordingly in reference to their values and to those of the community.

Relating these Lessons to Public Administration

The works of the two theorists mentioned above stress the importance of influencing factors on individuals. Castoriadis explains how each person is a 'mixing bowl' of institutional influences and thus, according to Wittgenstein, these influences determine the manner in which descriptive language is used. Thus, each of these men are essentially teaching that every person exists within their own reality. Of course, many people have emerged from different backgrounds and influences and this has also shaped the professional and community groups in which they reside and there are

³⁰ John Cranfield, *Philosophy of Meaning, Knowledge and Value in the 20th Century, Vol. 10* (New York, NY: Routledge, 2003): 349.

therefore many similarities in language usage, yet each person has their own unique perspective on reality. Each person exists within their own constructed universe.

Related to this, John Farmer, in the second section of *To Kill the King* entitled Justice as Seeking, takes a similar view in that there are many conflicting justice structures that vary from society to society, each based upon totally acceptable value systems. (As the institutional influences have been similar for many citizens and vastly different for others). However, the applicability, rationality or feasibility of such laws (using the term loosely to encompass social actions and a way of being in the world) varies depending upon a given society and, thus, its institutions and language usage. There is no one 'canned system' of justice and law, as Farmer puts it.³¹

Public administrators are the face of one of the most powerful institutions there is in our society; government. And it is very important to remember or at the very least acknowledge the theory behind social construction and to understand that they have a responsibility to act in a way that is not always in line with the *institution*. They must understand that there are an infinite number of value systems and, therefore, of senses of justice and morality within every community. Thus, administrators must occasionally reach outside the protective walls of their own space and seek the advice of other institutions or even societies in order maintain some sense of justice within our own constructed worlds and that of others. It is acceptable to inquire 'why this law rather than another one?' and, more basically, 'is this law just?'³²

³¹ David Farmer, *To Kill the King: Post-traditional Governance and Bureaucracy* (New York, NY: M. E. Sharpe, 2005): 144.

³² For more on the implications of reaching outside traditional boundaries in local public administration, see Lawrence Wallack and Regina Lawrence, "Talking about Public Health: Developing America's 'Second Language,'" *American Journal of Public Health* 95.4 (2005): 567-571.

These Lessons in Practice

What has been lacking from much of this discussion is examples of relationships to practicing public administration. Indeed, clues have been left throughout this essay regarding how one may close the bridge between theory and practice, however, it seems best now to provide a case-and-point example of what has been discussed in 'reality.'

The lessons we have learned is that the law of institutions; of government, professional practices and of the self are not always the best option for the just practice of public administration. Due to the unfortunate business of staffing legislative positions of any rank with humans, however, inevitably results in laws, regulations or other control mechanisms that is flawed. One cannot possibly create a law, regulation or practice that encompasses every conceivable situation; it is up to the public administrator in the rare circumstances that conflicts arise between what must be done and what should be done that the lessons of the preceding paragraphs may help.

Following the terrible atrocities committed in the 9/11 attacks, the US Federal Government moved quickly to pass the grossly named Patriot Act. Without delving into legal details, the document that went largely unread or edited with the exception of the removal of the most egregious constitutional violations, ended up – in the eyes of many – expanding the power of the executive branch of the US government and reducing the individual rights of citizens.

Examples of local actors that have voiced varying degrees of dissent against the US Federal government include those from the very smallest municipalities to the largest

and most metropolitan cities in the USA. The following represents a tiny fraction of the cities in non-agreement with the Federal government:

- Wendell, Massachusetts (986)
- Riverside, Washington (348)
- Gaston, Oregon (620)
- Philadelphia, Pennsylvania (1,517,550)
- Baltimore, Maryland (651,000)
- Detroit, Michigan (951,000)

In all, 272 cities and even state actors have passed some sort of resolution that act contrarily to the Patriot Act in some manner. "Each of the resolutions affirms the town's obligation to uphold the constitutional rights of all persons who live there, and many of them explicitly direct police and other residents to refrain from carrying out the provisions of the Act, even when instructed to do so by a federal officer."³³

Of the most vocal and dissenting voices is Blount County, Tennessee. In their local resolution against the USA Patriot Act, the following text has been selected:

BE IT FURTHER RESOLVED that the Blount County Commission calls upon all Blount County Constitutional Officeholders, county employees, private citizens and organizations including residents, employers, and domestic and to demonstrate outspoken respect for the rights that have been paid for with so much blood by Veterans and patriots throughout time, and to study the Bill of Rights so that they can recognize and resist attempts to undermine our Constitutional Republic and the system that has brought our civilization so much success; and recognize as unenforceable in Blount County those laws that violate

³³ Elaine Scarry, "Acts of Resistance," *Harper's Magazine* 308.1848 (2004): 15.

the fundamental rights and liberties as stated in the United States Constitution, and Its Amendments;³⁴

And though this may be one of the more extreme examples of dissent, it is indicative of the level of distrust that local communities are now experiencing in reference to their relationship with the USA Federal government. It is being made clear that these local actors, such as the one referenced above, are willing to collectively challenge resolutions against them that they feel are unjust. Actors such as Blount County are clearly exercising what they interpret to be not necessarily their *right*, but their *duty* as public administrators tasked with upholding the values of the community and to ensure that their citizens are treated in a manner that is just, ethical and moral. And to do so, they have had to step outside of the bounds of regular public administration by way of the passage of legal tools that are clearly outside the regular bounds of local jurisdiction.³⁵

Competing Factors: The Market

Perhaps it has been the inappropriate integration of business principles into the bureaucracy that has led to the most challenging issue facing public administrators today in their quest for the application of justice: the *skepticism of a public that has grown weary of public administrators*. Evidence of a cynical public is all around us: voter turnouts are at their lowest points in years, citizens must endure the endless scandals that seem to accompany every politician and bureaucracy, and failed policies that are disconnected from the needs of the citizenry have led to a low-point in the public's

³⁴ A Resolution Supporting the Restoration of the Bill of Rights: Resolution 03-03-020 for Blount County, Tennessee.

³⁵ For a complete list of all state and municipal actors that are fighting the Patriot Act in one manner or another, see Bill of Rights Defense Committee, *BORDC List of Resolutions*, 20 Jun. 2006, online, 28 Jul. 2006 <<http://www.bordc.org/list.php>>.

perception of the bureaucracy as a whole. What this means is that if the institution of public administration itself fails in its influence over citizens, even if they are just in the execution of their duties or not, it will not matter as they are no longer the predominant governing structure.

One may blame a host of factors for the decline in the status in the eyes of the public for the public administrators. Perhaps the societal pressures of hyper individualism are to blame. Market forces have been allowed to penetrate our Western social fabric so deeply that consumerist tendencies have replaced much of what was formerly held sacred. Let us take for an example shopping on Sunday's. Until very recently, only the most crucial stores such as pharmacies and the like were available to the public on Sunday. Other shops were closed because it was widely believed that this was the Lord's Day. It was time to pay homage to God. Market forces, however, were permitted to incorporate themselves into our psyche to such an extent that the Lord's Day was no longer considered necessary. It became more important to use Sunday's for the purposes of fulfilling consumerist desires.

The point of this discussion on market forces is to demonstrate that the market as an institution has been and will continue to gain influence over citizens. This is alarming especially to those who subscribe to a quasi-Foucault view of power relations in that there is only a finite amount of power over citizens.³⁶ In the Sunday example, the Church lost power to the market. Correspondingly, public administrators and the public institutions that they command are also losing power. Public administrators must be weary of this now as well as in the future; there are more and increasingly powerful

³⁶ For much more on this, see Michel Foucault, *Power: The Essential Works, vol. 3*, ed. by James Faubion (New York, NY: Routledge, 2000).

competitors vying for influence over citizens and most – unlike the good public administrator – do not have the best interest of society in mind.

This is not intended to describe the practice of governance so much as a power contest, but more to say that public administrators will need to increase their vigilance in order to fight the apathetical forces of the market upon society.³⁷ For, as consumerism increases, and hyper individualism begins to take precedence over the desire to care for one another, the public administrator must attempt to introduce a sort of caring into the world. Of course, public administrators cannot make people be nice to one another, but they can strive to ensure that institutions exist that foster kindness and sharing among one another, at least as much as these highly intangible things may be influenced. Efforts may also be targeted toward particularly needy groups such as the elderly, children and the less fortunate, however, the overall goal should remain to coax the rest of the populace into becoming involved in helping these people who exist more on the fringes. At the very least, public administrators may led by way of example regarding the way the conduct themselves at work and in the initiatives that they pursue in the public interest.

Conclusion

Take for example, John Farmer's rejection of a single 'canned system' of justice. Farmer theorizes that it is up to the public administrator not to 'hide' behind professional rules, or commonly accepted norms in the execution of ones task, but it is rather the just thing to do to go about ones task in a subjective manner. One in which public

³⁷ This is not intended to say that the market is inherently evil; rather, I am attempting to demonstrate that market forces, just like political and administrative forces, have some tendencies towards evil. The public administrator needs to understand the forces that he or she is dealing with and, to the greatest extent possible, embrace the forces that and good and that are just while also weeding out those that are negative and inappropriate for the application of the public good.

administrators of course perform the tasks assigned to them competently, but that they also do so with a manner of 'feeling' with them as well. That is to say that Farmer suggests it is professional to inject personal interpretations of justice into ones work; a notion that is contrary to most other notions of what it is to be a professional in not just public administration but in general.

Further to this point, Argyriades indicates that a 'good' public administration is one that acknowledges the 'limits of obedience.' Here, Argyriades argues that is it up to the public administrator to provide advice that may not be always in tune with the prevailing political winds on a particular subject; as long as such advice is believed to be true and just. He states that to 'provide such candid advice, grounded on expertise, public servants must feel free to speak the *truth to power*, what under any circumstance they may not do is knowingly distort it in order to curry favor.'³⁸

Regardless of the concerns noted above in what a public administer should do in order to be just and moral and all the rest, it still leaves us with doubt as to what such actions are. In order to solve this dilemma, it is useful to turn to Aristotle's work *Poetics*.³⁹ It is in this seminal treatise that Aristotle states that ethical conduct is that which is brought about by the exercise of choice. This key point has echoed through the ages to today. Let not a public administrator say 'I have no choice in the matter' just previous to engaging in a ruling, activity or whatever in order to justify such an act that is inherently wrong. Aristotle tells us that we always have a choice; it is simply the case that one may

³⁸ Demetrios Argyriades, "Good Governance, Professionalism, Ethics and Responsibility," *International Review of Administrative Sciences* 72.2 (2006): 164.

³⁹ Aristotle, "Poetics," *The Internet Classics Archive*, trans. by S. H. Butcher, (n.d.), online, 28 Jul. 2006 <<http://classics.mit.edu/Aristotle/poetics.mb.txt>>.

need to look beyond professional, cultural or religious boundaries in order to find available choices and then, most importantly, to exercise them.

The discussion of what a public administrator is and in what direction the profession is traveling cuts deeply into the most basic streams of philosophical inquiry. Keeping the discussion relatively basic, it may be said that modern public administration has managed to suppress the imaginative mind of the individual in favor of the group. The problem with this situation is, however, that this really is not in the favor of the group. People need to become more imaginative, independent and, as David Farmer puts it, Gadfly-like. This means asking questions and possibly questions that are beyond the scope of one's expertise; one need not be an economist to comment on economics. This works its way into the question of identity on which Farmer comments that '[m]any find it hard to think/feel that that person could be just a person, without being subject to the discourse of what it is to be a man...Giorgio is Giorgio, sans classification by group membership; he is also whoever he is, without the name.'⁴⁰ It appears that most of us has forgotten this basic fact and have fallen into a trap wherein our list of titles has become our identity. Public administrators, should they want to stay relevant to society and to contribute to the betterment of a society, must never forget that they are no longer slaves of the will the particular project upon which they are working nor should they check their moral compass in at the door. Rather, they are, like their fellow citizens, working, eating, thinking and feeling beings just as are the citizens that they serve. With this in mind, they need to incorporate their own emotions, senses of justice, imaginations and *those of others* into their work in order to reconnect themselves with the citizens for whom they serve.

⁴⁰ Farmer: 42.

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